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22 UNITED STATES DISTRICT COURT
23 DISTRICT OF NEVADA

24 ORACLE USA, INC., a Colorado corporation;
25 ORACLE AMERICA, INC., a Delaware
26 corporation; and ORACLE INTERNATIONAL
27 CORPORATION, a California corporation,

28 Plaintiffs,

v.

29 RIMINI STREET, INC., a Nevada corporation;
30 SETH RAVIN, an individual,

31 Defendants.

32 BINGHAM McCUTCHEN LLP
33 GEOFFREY M. HOWARD (*pro hac vice*)
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54 Case No 2:10-cv-0106-LRH-PAL

55 PLAINTIFFS ORACLE USA, INC.,
56 ORACLE AMERICA, INC., AND
57 ORACLE INTERNATIONAL
58 CORPORATION'S MOTION TO
59 SEAL PORTIONS OF ORACLE'S
60 OPPOSITION AND EXHIBITS B-C, F-
61 G, AND K-M TO THE
62 DECLARATION OF GEOFFREY M.
63 HOWARD IN SUPPORT OF
64 ORACLE'S OPPOSITION TO
65 MOTION FOR PROTECTIVE ORDER
66 REGARDING CUSTOMER
67 DEPOSITIONS

PLAINTIFFS' MOTION TO SEAL

2 Pursuant to the Stipulated Protective Order governing confidentiality of documents
3 entered by the Court on May 21, 2010, Dkt. 55 (“Protective Order”), and Rules 5.2 and 26(c) of
4 the Federal Rules of Civil Procedure, and Local Rule 10-5, Plaintiffs Oracle USA, Inc., Oracle
5 America, Inc. and Oracle International Corporation (together “Oracle” or “Plaintiffs”)
6 respectfully request that the Court order the Clerk of the Court to file under seal portions of
7 Oracle’s Opposition To Defendant Rimini Street’s Emergency Motion for Protective Order
8 Regarding Customer Depositions (the “Opposition”) and Exhibits B-C, F-G, and K-M to the
9 Declaration of Geoffrey M. Howard in Support of Oracle’s Opposition to Defendant Rimini
10 Street’s Emergency Motion for Protective Order Regarding Customer Depositions (the
11 “Exhibits”). The un-redacted Opposition and Exhibits B-C, F-G, and K-M were individually
12 lodged under seal with the Court on November 10, 2011. *See* Dkt. Nos. 198, 200-206.

13 Sealing Exhibits B-C, F-G, and L-M is requested because the documents contain
14 information that Defendant Rimini Street (“Rimini”) has designated as “Confidential
15 Information” and as “Highly Confidential Information – Attorneys’ Eyes Only” under the terms
16 of the Protective Order. Sealing Exhibit K is requested because the documents contain
17 information that third parties, TomorrowNow and SAP, have designated as “Confidential” under
18 the terms of a protective order that is substantially similar to the Protective Order entered in this
19 litigation. Sealing of portions of the Opposition is requested because the document contains
20 information that Rimini, TomorrowNow, or SAP have designated as “Confidential Information”
21 and as “Highly Confidential Information – Attorneys’ Eyes Only” under the terms of the
22 respective protective orders. Both protective orders provides that: “Counsel for any Designating
23 Party may designate any Discovery Material as ‘Confidential Information’ or ‘Highly
24 Confidential Information – Attorneys’ Eyes Only’ under the terms of this Protective Order **only**
25 **if such counsel in good faith believes that such Discovery Material contains such**
26 **information and is subject to protection under Federal Rule of Civil Procedure 26(c).** The
27 designation by any Designating Party of any Discovery Material as ‘Confidential Information’ or
28 ‘Highly Confidential Information –Attorneys’ Eyes Only’ shall constitute a representation that

1 an attorney for the Designating Party reasonably believes there is a valid basis for such
2 designation.” Protective Order at ¶ 2 (emphasis supplied); Ex. 1, Stipulated Protective Order,
3 Case No. 07-CV-1658, N.D. Cal., Dkt. No. 32 at ¶ 2.

4 Thus, in identifying Exhibits B-C, F-G, and K-M as containing Confidential and Highly
5 Confidential material, Rimini, SAP and TomorrowNow, as the designating parties, contend that
6 that good cause exists for sealing portions of the Opposition and Exhibits B-C, F-G, and K-M.

7 Oracle has submitted all other portions of the Opposition as well as all other exhibits to
8 the Declaration of Geoffrey M. Howard in Support of Oracle’s Opposition to Defendant Rimini
9 Street’s Emergency Motion for Protective Order Regarding Customer Depositions, for filing in
10 the Court’s public files, which would allow public access to the filings except for the documents
11 Rimini, SAP, or TomorrowNow have designated as Confidential and Highly Confidential.

12 Accordingly, the request to seal is narrowly tailored.

13 For the foregoing reasons, Oracle respectfully requests that the Court find that good cause
14 exists to file under seal portions of the Opposition and Exhibits B-C, F-G, and K-M.

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16 DATED: November 10, 2011

BINGHAM McCUTCHEN LLP

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By: /s/ Geoffrey M. Howard

19 Geoffrey M. Howard
20 Attorneys for Plaintiffs
21 Oracle USA, Inc., Oracle America, Inc.,
and Oracle International Corp.

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